



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago IL 60610

COPY MAILED

JAN 05 2007

OFFICE OF PETITIONS

In re Patent No. 7,106,299	:	
Shoji Suzuki	:	DECISION ON REQUEST
Issue Date: September 12, 2006	:	FOR
Application No. 09/804,812	:	RECONSIDERATION OF
Filed: March 13, 2001	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 9281/3923	:	

This is a decision on the "PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed October 31, 2006. Patentees request that the patent term adjustment as indicated by the PAIR PTA adjustment history (and on the face of the patent) be corrected from one hundred seventy-eight (178) days to one thousand ninety-one (1091) days.

The request for reconsideration of the patent term adjustment indicated in the patent is **DISMISSED**.

Patentees are given **TWO (2) MONTHS** from the mailing date of this decision to respond. No extensions of time will be granted under § 1.136.

On September 12, 2006, the above-identified application matured into U.S. Patent No. 7,106,299. The instant request for reconsideration filed October 31, 2006 was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a Patent Term Adjustment of 178 days. Patentees request correction of the patent term adjustment to increase the patent term adjustment to 1091 days on the basis

that the patent issued 3 years and 913 days after the date on which the application was filed.

It is agreed that the instant patent issued 3 years and 913 days after its filing date. However, pursuant to 35 U.S.C. 154(B)(i), § 1.703(b)(1) provides, in pertinent part that:

the period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) ... and ending on the date a patent was issued, but not including the sum of the following periods:

(1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

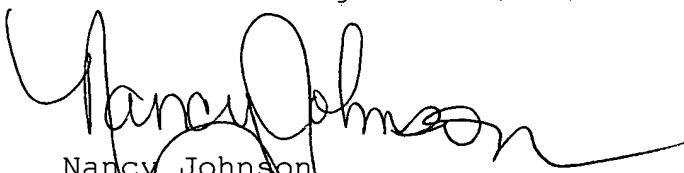
Thus, the filing of a request for continued examination (RCE) cuts-off the applicants' ability to accumulate any additional patent term adjustment against the three-year pendency provision, but does not otherwise affect patent term adjustment.

In this instance, a RCE was filed on August 15, 2003. Thus, the ability to accumulate additional patent term adjustment against the three-year pendency provision ended August 15, 2003. Accordingly, the period of adjustment under § 1.702(b) is 0 days.

In view thereof, the patent properly issued with a patent term adjustment of 178 days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions